

VAT on expenses is deducted from FMV, the petitioner argues that the alleged error has the effect of lowering FMV and thereby improperly decreasing Excel's margin.

Excel contends that it would be incorrect to include commissions in the calculation of U.S. expenses because commissions were not included in the calculation of the VAT amount that was added to U.S. price. If the Department were to include commissions in the equation for U.S. expenses, Excel argues that the Department should also include commissions in the calculation of the VAT amount that is added to U.S. price.

#### DOC Position

In accordance with the CAFC decision (see the "United States Price" section of this notice), the Department has changed its VAT calculation methodology. Therefore, the comments made by the petitioner and Excel are moot.

#### Comment 2: Pulton's Dumping Margin

Pulton states that the Department's preliminary results correctly indicated that Pulton reported no U.S. sales during this review period. However, Pulton contends that the Department incorrectly cited the dumping margin from the most recent review when Pulton had U.S. sales. Instead of the rate of 0.01 percent published by the Department, Pulton contends the rate should be 0.00 percent (see 58 FR 52264, 52267 (October 7, 1993)).

#### DOC Position

We agree with Pulton and have corrected this inadvertent error for these final results.

#### Final Results of Review

As a result of our analysis of the comments received, we determine that the following weighted-average margins exist for the April 1, 1992 through March 31, 1993 period:

| Manufacturer/exporter | Margin (percent) |
|-----------------------|------------------|
| Hitachi .....         | 112.68           |
| Izumi .....           | 0.52             |
| Pulton .....          | 10.00            |
| Excel .....           | 0.10             |
| All Others .....      | 15.92            |

<sup>1</sup>No sales during the period. Rate is from the last period in which there were sales.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisalment

instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of roller chain, other than bicycle, from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for Pulton and Excel will be zero because the margins for these firms are zero or *de minimis*. The cash deposit rates for Izumi and Hitachi will be 0.52 and 12.68 percent, respectively; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or the original less-than-fair-value (LTFV) investigation, the cash deposit rate will continue to be the rate published in the most recent final results or determination for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, earlier review, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of this review, earlier reviews, or the LTFV investigation, whichever is the most recent; (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be the "new shipper" rate established in the first review conducted by the Department in which a "new shipper" rate was established, as discussed below.

On May 25, 1993, the CIT in *Floral Trade Council v. United States*, 822 F. Supp. 766 (CIT 1993), and *Federal-Mogul Corporation and the Torrington Company v. United States*, 822 F. Supp. 782 (CIT 1993), decided that once an "all others" rate is established for a company it can only be changed through an administrative review. The Department has determined that in order to implement these decisions, it is appropriate to reinstate the "all others" rate from the LTFV investigation (or that rate as amended for correction of clerical errors or as a result of litigation) in proceedings governed by antidumping duty orders. In proceedings governed by antidumping findings, unless we are able to ascertain the "all others" rate from the Treasury LTFV investigation, the Department has determined that it is appropriate to adopt the "new shipper" rate established in the first final results of administrative review published by the Department (or that rate as amended for

correction of clerical errors or as a result of litigation) as the "all others" rate for the purposes of establishing cash deposits in all current and future administrative reviews.

Because this proceeding is governed by an antidumping finding, and we are unable to ascertain the "all others" rate from the Treasury LTFV investigation, the "all others" rate for the purposes of this review would normally be the "new shipper" rate established in the first notice of final results of administrative review published by the Department (46 FR 44488, September 4, 1981). However, a "new shipper" rate was not established in that notice. Therefore, the "all others" rate of 15.92 percent comes from *Roller Chain, Other Than Bicycle, from Japan, Final Results of Administrative Review of Antidumping Finding*, 48 FR 51801 (November 14, 1983), the first review conducted by the Department in which a "new shipper" rate was established.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of the APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: November 29, 1995

Susan G. Esserman,

Assistant Secretary for Import Administration.

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### Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

**Docket Number:** 95-106. **Applicant:** Pennsylvania State University, Department of Chemistry, 152 Davey Laboratory, University Park, PA 16802. **Instrument:** Cold Stage for Time-of-Flight SIMS. **Manufacturer:** Kore Technology, Ltd., United Kingdom. **Intended Use:** The instrument will be used for studies of organic, inorganic and biological solids to determine whether a certain biological molecule is bound inside or outside the nucleus of a frozen biological cell. **Application Accepted by Commissioner of Customs:** October 24, 1995.

**Docket Number:** 95-107. **Applicant:** U.S. Department of Commerce, National Institute of Standards and Technology, Bldg. 222, Rm A113, Gaithersburg, MD 20899. **Instrument:** Electron Microscope, Model CM300. **Manufacturer:** Philips, The Netherlands. **Intended Use:** The instrument will be used to study the chemical and crystallographic composition, morphology, and their related spatial placement of a variety of inorganic and organic materials, such as ceramics, metals, minerals, and polymers. **Application Accepted by Commissioner of Customs:** October 26, 1995.

**Docket Number:** 95-108. **Applicant:** VA Medical Center of Gainesville, 1601 SW Archer Road, Gainesville, FL 32608-1197. **Instrument:** Electron Microscope, Model CM100. **Manufacturer:** Philips, The Netherlands. **Intended Use:** The instrument will be used for studies of tissue from different organs, cultured cells, and cell blocks prepared from body cavity fluids. The studies will involve investigations of cell characterizations such as cytoplasmic membrane projections, presence or absence of cell junctions, type of

junctions, and cytoplasmic organelles at the ultrastructural level to differentiate between cell types and their origin. In addition, the instrument will be used for training pathology residents.

**Application Accepted by Commissioner of Customs:** October 26, 1995.

**Docket Number:** 95-109. **Applicant:** University of California, Room 301, McCone Hall, Berkeley, CA 94720. **Instrument:** Energy Dispersive Spectrometer. **Manufacturer:** Oxford Instruments, United Kingdom. **Intended Use:** The instrument will be used for studies of various materials including mineral grain separates, whole rock thin sections, soil particles, meteorites, archeological artifacts, experimental glass and crystalline charges, volcanic ashes, rare earth semiconductors, superconducting oxides, silicide and nitride ceramics, and super alloys. In addition, the instrument will be used for educational purposes in the course Geology 401. **Application Accepted by Commissioner of Customs:** October 25, 1995.

**Docket Number:** 95-110. **Applicant:** National Institute of Standards and Technology, Quince Orchard Road, Gaithersburg, MD 20899. **Instrument:** Mass Spectrometer, Model JMS-700. **Manufacturer:** JEOL, Japan. **Intended Use:** The instrument will be used for the quantitative and qualitative determination of compounds of biomedical interest in complex matrices through studies of the properties of concentration, molecular weight, molecular structure, and ion structure. **Application Accepted by Commissioner of Customs:** October 26, 1995.

**Docket Number:** 95-111. **Applicant:** University of Wisconsin-Madison, Integrated Microscopy Resource, 1525 Linden Drive, Madison, WI 53706. **Instrument:** Mode-locked Solid State Laser. **Manufacturer:** Microlase Optical Systems, Ltd., United Kingdom. **Intended Use:** The instrument will be used as a fluorescence excitation source for the study of the dynamics of the internal cellular architecture of living biological specimens. The objective of these experimental observations is to understand how the internal machinery of a cell functions during development. In addition, the instrument will be used in courses for advanced microscopy techniques for undergraduates, graduate students and visiting academic research workers. **Application Accepted by Commissioner of Customs:** October 26, 1995.

**Docket Number:** 95-112. **Applicant:** The Scripps Research Institute, 10666 North Torrey Pines Road, La Jolla, CA 92037. **Instrument:** Electron Microscope, Model CM100. **Manufacturer:** Philips,

The Netherlands. **Intended Use:** The instrument will be used for electron microscopic studies of the structure of the following biological materials which have been isolated from various plants and tissue and culture cells: (1) endoplasmic reticulum and Golgi membranes, (2) plant cells, (3) actin cytoskeletal complexes, (4) nuclear envelope membranes, (5) plasma membranes, and (6) clathrin, dynamin, and GAP junctions. **Application Accepted by Commissioner of Customs:** October 16, 1995.

Frank W. Creel

Director, Statutory Import Programs Staff  
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### Indiana University Medical Center, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

**Docket Number:** 95-043. **Applicant:** Indiana University Medical Center, Indianapolis, IN 46202-5289. **Instrument:** Radiation Therapy Simulator, Model Simulix-MC. **Manufacturer:** Oldelft, The Netherlands. **Intended Use:** See notice at 60 FR 33190, June 27, 1995.

**Comments:** None Received. **Decision:** Denied. **Reasons:** In its justification for duty exemption, the applicant states: The structural, performance and operational characteristics of the foreign and domestic units are similar. However, the foreign unit possessed a greater number of the structural and operational characteristics required, without incurring a greater expense.

The applicant lists the structural and operational features of the foreign instrument which led to the purchase decision. The applicant states that each feature of the foreign instrument is also available on the domestic instrument (manufactured by Varian Corporation) and provides cost data as follows: Shadow Tray: ... With the domestic unit, an additional cost of \$6495.00 would have to be incurred by the institution. Lasers: ...With the domestic unit, an additional cost of \$15,000 would have to be incurred by the institution.